

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Docket No. 1:15-CR-02231-JB

JOSE GUERRERO,

Defendant.

JOINT MOTION TO VACATE  
JURY SELECTION AND JURY TRIAL SETTING

**COMES NOW** the Defendant, **JOSE GUERRERO**, by and through his attorneys, Clear & Clear, P. A., by Thomas J. Clear, III, and the Government by and through Nicholas Jon Ganjei, Assistant United States Attorney, and hereby jointly respectfully move this Honorable Court to vacate the Jury Selection and Jury Trial that have been scheduled to commence at the hour of 9:00 a.m. on Thursday, November 19, 2015, before The Honorable James O. Browning, United States District Judge, and as grounds therefore, respectfully **STATE:**

1. That there is an active bench warrant for Defendant's arrest after he failed to appear for Plea Hearing before Judge William P. Lynch on November 18, 2015.
2. Defendant's whereabouts are unknown and Defendant's counsel has been trying to contact Defendant without success since learning that he did not return home from his job at Federal Express on November 17, 2015.

**WHEREFORE**, the Defendant, **JOSE GUERRERO**, and the Government by and through Nicholas Jon Ganjei, Assistant United States Attorney, respectfully request that This Honorable Court vacate the Jury Selection and Jury Trial that have been scheduled to

commence at the hour of 9:00 a.m. on Thursday, November 19, 2015, before The Honorable James O. Browning, United States District Judge and to reschedule the matter for trial after Defendant surrenders or is arrested on the outstanding Bench Warrant that has been issued for his arrest.

**Respectfully submitted,**

**CLEAR & CLEAR, P. A.**  
**Attorneys for Defendant**

**BY: /s/ by Thomas J. Clear, III**  
**THOMAS J. CLEAR, III**  
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Albuquerque, New Mexico 87110  
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**CERTIFICATE OF SERVICE BY ELECTRONIC TRANSMISSION**

**I HEREBY CERTIFY** that a true and correct electronically filed copy of the foregoing was sent by electronic transmission through the CM/ECF system on this 19<sup>TH</sup> day of November, 2015, to opposing counsel, Nicholas Jon Ganjei, Assistant United States Attorney, District of New Mexico.

**/s/ by Thomas J. Clear, III**  
**THOMAS J. CLEAR, III**  
**Attorney for Defendant**